

**HOUSE BILL NO. 222**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES RAUSCHER, McCarty

Introduced: 1/18/22

Referred: Labor and Commerce, Judiciary

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to personal information; relating to the privacy of personal  
2 information; relating to the collection, sale, sharing, deletion, correction, and use of  
3 personal information; relating to breaches of security of personal information; relating  
4 to genetic privacy; relating to social security numbers; and providing for an effective  
5 date."

6 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

7 \* **Section 1.** AS 18.13.010(a) is amended to read:

8 (a) Notwithstanding AS 45.48.760 - 45.48.925, and except [EXCEPT] as  
9 provided in (b) of this section,

10 (1) a person may not collect a DNA sample from a person, perform a  
11 DNA analysis on a sample, retain a DNA sample or the results of a DNA analysis, or  
12 disclose the results of a DNA analysis unless the person has first obtained the  
13 informed and written consent of the person, or the person's legal guardian or

1 authorized representative, for the collection, analysis, retention, or disclosure;

2 (2) a DNA sample and the results of a DNA analysis performed on the  
3 sample are the exclusive property of the person sampled or analyzed.

4 \* **Sec. 2.** AS 45.48.010(a) is amended to read:

5 (a) **In addition to the requirements of AS 45.48.885(c) - (e), if** [IF] a  
6 covered person owns or licenses personal information in any form that includes  
7 personal information on a state resident, and a breach of the security of the  
8 information system that contains personal information occurs, the covered person  
9 shall, after discovering or being notified of the breach, disclose the breach to each  
10 state resident whose personal information was subject to the breach.

11 \* **Sec. 3.** AS 45.48.430(b) is amended to read:

12 (b) The prohibition in (a) of this section does not apply if

13 (1) the disclosure is authorized by local, state, or federal law, including  
14 **AS 45.48.760 - 45.48.925 or** a regulation adopted under AS 45.48.470;

15 (2) the person is engaging in the business of government and

16 (A) is authorized by law to disclose the individual's social  
17 security number; or

18 (B) the disclosure of the individual's social security number is  
19 required for the performance of the person's duties or responsibilities as  
20 provided by law;

21 (3) the disclosure is to a person subject to or for a transaction regulated  
22 by the Gramm-Leach-Bliley Financial Modernization Act, and the disclosure is for a  
23 purpose authorized by the Gramm-Leach-Bliley Financial Modernization Act or to  
24 facilitate a transaction of the individual;

25 (4) the disclosure is to a person subject to or for a transaction regulated  
26 by the Fair Credit Reporting Act, and the disclosure is for a purpose authorized by the  
27 Fair Credit Reporting Act;

28 (5) the disclosure is part of a report prepared by a consumer credit  
29 reporting agency in response to a request by a person and the person submits the social  
30 security number as part of the request to the consumer credit reporting agency for the  
31 preparation of the report; or

(6) the disclosure is for a background check on the individual, identity verification, fraud prevention, medical treatment, law enforcement or other government purposes, or the individual's employment, including employment benefits.

\* **Sec. 4.** AS 45.48.450(b) is amended to read:

(b) Notwithstanding the other provisions of AS 45.48.400 - 45.48.480, and except as provided under AS 45.48.760 - 45.48.925 or for an agent under (a) of this section, a person may disclose an individual's social security number to an independent contractor of the person to facilitate the purpose or transaction for which the individual initially provided the social security number to the person, but the independent contractor may not use the social security number for another purpose or make an unauthorized disclosure of the individual's personal information. In this subsection, "independent contractor" includes a debt collector.

\* **Sec. 5.** AS 45.48 is amended by adding new sections to read:

**Article 6A. Treatment of Personal Information.**

**Sec. 45.48.760. General duties of businesses that control collection.** (a) A business that controls the collection of a consumer's personal information shall, at or before the point of collection, notify the consumer of the following:

(1) the categories of personal information and categories of sensitive personal information that the business will collect, the purposes for which the business will collect the information, and whether the business will sell or share the information;

(2) the length of time the business will retain each category of personal information and category of sensitive personal information, or, if it is not possible for the business to make this determination, the criteria used to determine the length of time; and

(3) that the business may not retain the consumer's personal information or sensitive personal information for longer than is reasonably necessary for the purposes disclosed under (1) of this subsection.

(b) Unless a business that controls the collection of a consumer's personal information provides the consumer with another disclosure under (a) of this section informing the consumer of a previously undisclosed category or use, the business may

1 not collect a category of personal information or a category of sensitive personal  
 2 information unless the business has disclosed that category under (a)(1) of this section  
 3 and may not use personal information or sensitive personal information for a purpose  
 4 that is incompatible with the purposes disclosed under (a)(1) of this section.

5 (c) A business that, acting as a third party, controls the collection of a  
 6 consumer's personal information may make the disclosures required under (a) of this  
 7 section on the home page of the Internet website of the business, except that, if the  
 8 business controls the collection on the physical premises of the business, the business  
 9 shall also make the disclosures on the physical premises and ensure the information is  
 10 displayed prominently and conspicuously. In this subsection, "physical premises"  
 11 includes a motor vehicle.

12 **Sec. 45.48.765. Deletion of personal information.** (a) Except as provided  
 13 under this section and AS 45.48.815, a business shall delete personal information  
 14 collected from a consumer if the consumer makes a verifiable consumer request to the  
 15 business to delete the personal information.

16 (b) A business that collects personal information about a consumer shall notify  
 17 the consumer under AS 45.48.795 that the consumer may request that the business  
 18 delete the consumer's personal information.

19 (c) A business that receives a verifiable consumer request from a consumer  
 20 under (a) of this section shall

21 (1) delete the consumer's personal information from its records;

22 (2) notify its service providers and contractors to delete the consumer's  
 23 personal information from their records; and

24 (3) notify all third parties to whom the business has sold or with whom  
 25 the business has shared the consumer's personal information to delete the personal  
 26 information, unless the notification is impossible or involves effort that is  
 27 disproportionate to the request.

28 (d) A service provider or contractor of a business shall cooperate with the  
 29 business in responding to a verifiable consumer request under this section and, at the  
 30 direction of the business, shall delete, or enable the business to delete, and notify any  
 31 of its own service providers or contractors to delete, personal information about the

1 consumer collected, used, processed, or retained by the service provider or the  
 2 contractor. Unless the notification is impossible or involves disproportionate effort or  
 3 the information was accessed at the direction of the business, the service provider or  
 4 contractor shall notify a service provider, contractor, or third party who may have  
 5 accessed personal information about the consumer from or through the service  
 6 provider or contractor to delete the personal information.

7 (e) Unless prohibited by another provision of AS 45.48.760 - 45.48.925, a  
 8 business may maintain a record of a verifiable consumer request made under this  
 9 section only to prevent the personal information about the consumer who submitted  
 10 the request from being sold, to comply with law, or to achieve another purpose to the  
 11 extent allowed under AS 45.48.760 - 45.48.925. The business shall keep the record  
 12 confidential.

13 **Sec. 45.48.770. Correction of personal information.** (a) A business shall  
 14 correct inaccurate personal information collected from a consumer if the consumer  
 15 makes a verifiable consumer request to the business to correct the personal  
 16 information.

17 (b) A business that collects personal information about a consumer shall notify  
 18 the consumer under AS 45.48.795 that the consumer may request the business to  
 19 correct inaccurate personal information.

20 (c) A business that receives a verifiable consumer request to correct inaccurate  
 21 personal information about the consumer shall use, as directed by the consumer,  
 22 commercially reasonable efforts to correct the personal information.

23 **Sec. 45.48.775. Disclosure of personal information collected.** (a) In addition  
 24 to the disclosure required by (b) of this section, if a consumer makes a verifiable  
 25 consumer request to a business that collects personal information about a consumer,  
 26 the business shall disclose to the consumer the following information:

27 (1) the categories of personal information the business has collected  
 28 about the consumer;

29 (2) the sources identified by category from which the business collects  
 30 the personal information;

31 (3) the business purpose or commercial purpose for collecting, selling,

1 or sharing personal information;

2 (4) the third parties identified by category to whom the business  
3 discloses personal information; and

4 (5) the specific pieces of personal information the business has  
5 collected about the consumer.

6 (b) A business that collects personal information about a consumer shall  
7 disclose the following information in its online privacy policy statement or, if the  
8 business does not have an online privacy policy statement, on its Internet website, and  
9 shall update that information at least once every 12 months:

10 (1) the categories of personal information the business has collected  
11 about consumers in the preceding 12 months;

12 (2) the sources identified by category from which the business collects  
13 personal information;

14 (3) the business purpose or commercial purpose for collecting, selling,  
15 or sharing personal information;

16 (4) the third parties identified by category to whom the business  
17 discloses personal information; and

18 (5) that a consumer may request the specific pieces of personal  
19 information the business has collected about that consumer.

20 (c) A business complies with (b)(1) - (4) of this section if the categories of  
21 personal information and the business purpose or commercial purpose for collecting,  
22 selling, or sharing personal information the business is required to disclose to the  
23 consumer under (b)(1) - (4) of this section are the same as the information it has  
24 disclosed upon a verifiable consumer request under (a)(1) - (4) of this section.

25 (d) To identify a consumer making a verifiable consumer request under (a) of  
26 this section, a business shall associate the information provided by the consumer in the  
27 verifiable consumer request with personal information previously collected by the  
28 business about the consumer.

29 (e) When identifying personal information by category under (a) and (b) of  
30 this section, a business shall use the category of personal information that most closely  
31 describes the disclosure required.

1 (f) When disclosing to a consumer the specific pieces of personal information  
2 a business has collected about the consumer under (a)(5) of this section, the business  
3 shall provide the information in a format that is easily understandable to the average  
4 consumer and, to the extent technically feasible, in a structured, commonly used,  
5 machine-readable format that may also be used to transmit the information without  
6 difficulty to another person at the consumer's request.

7 (g) A business is not considered to have disclosed personal information as  
8 required by this section if the business, at the request of the consumer, transfers the  
9 personal information to another business in order for the consumer to change to  
10 another business to provide services.

11 (h) In this section, "specific pieces of personal information" does not include  
12 data generated to help ensure the security and integrity of personal information.

13 **Sec. 45.48.780. Consumer direction not to sell or share personal**  
14 **information; sale or sharing of personal information.** (a) A consumer may, at any  
15 time, direct a business that sells to or shares with a third party personal information  
16 about consumers not to sell to or share with the third party the consumer's personal  
17 information.

18 (b) A business that sells to or shares with a third party a consumer's personal  
19 information shall provide notice under AS 45.48.825 that the information may be sold  
20 or shared and that a consumer may direct the business not to sell or share personal  
21 information about the consumer.

22 (c) A business may not sell or share personal information about a consumer if  
23 the business has actual knowledge that the consumer is under 16 years of age unless  
24 the consumer is at least 13 years of age and consents to the sale or sharing of the  
25 consumer's personal information, or unless the consumer is under 13 years of age and  
26 the consumer's parent or guardian authorizes the sale or sharing of the consumer's  
27 personal information. A business that intentionally disregards a consumer's age shall  
28 be considered to have had actual knowledge of the consumer's age. If consent for a  
29 business to sell or share a consumer's personal information is refused, the business  
30 shall wait at least 12 months before requesting the consumer to consent to the sale or  
31 sharing of the consumer's personal information, or, if the consumer is between 13 and

1 16 years of age, shall wait until the consumer is 16 years of age.

2 (d) A third party may not sell or share the personal information about a  
3 consumer that a business sold to or shared with the third party unless the business that  
4 sold or shared the personal information provides notice to the consumer that the  
5 personal information will be sold or shared and that the consumer may direct the third  
6 party not to sell or share the personal information.

7 **Sec. 45.48.785. Consumer direction to limit use of sensitive personal**  
8 **information.** (a) A business that collects sensitive personal information about a  
9 consumer and uses the information for purposes other than those authorized by (b) of  
10 this section shall provide a notice to consumers under AS 45.48.825 that the  
11 information may be used, and disclosed to a service provider or contractor, for  
12 additional, specified purposes and that a consumer may direct a business to limit the  
13 use or disclosure of the information.

14 (b) A consumer may, at any time, direct a business that collects sensitive  
15 personal information about the consumer to limit the use of the information to a use  
16 that is necessary to provide the services or goods reasonably expected by an average  
17 consumer who requests the services or goods and to provide the services set out in  
18 AS 45.48.850(b)(2), (4), (5), and (8).

19 (c) A business that collects sensitive personal information about a consumer  
20 and receives a direction from a consumer to limit the use of the information to a use  
21 authorized by (b) of this section may not use the consumer's sensitive personal  
22 information other than as authorized by (b) of this section, unless the consumer later  
23 provides consent for the business to use the information for an additional purpose.

24 (d) A service provider or contractor that assists a business in performing the  
25 purposes authorized by (b) of this section may not use a consumer's sensitive personal  
26 information, to the extent the service provider or contractor has actual knowledge that  
27 the personal information is sensitive personal information, for any purpose other than  
28 the purposes authorized by (b) of this section if the business notifies the service  
29 provider or contractor that the consumer directed the business to limit the use of the  
30 information under (b) of this section. A service provider or contractor is not required  
31 to limit the use of sensitive personal information received from a business unless the



business instructs the service provider or contractor to limit the use of the information, and then the limitation only applies to the use that arises out of the relationship of the service provider or contractor with the business.

(e) Sensitive personal information that is collected or processed without the purpose of inferring characteristics about a consumer is not subject to this section and is treated as personal information under AS 45.48.760 - 45.48.925.

**Sec. 45.48.790. Required business disclosures of personal information sold, shared, or disclosed.** (a) A business that sells or shares personal information about a consumer, or that discloses personal information about a consumer for a business purpose, shall, upon receiving a verifiable consumer request from a consumer, disclose to the consumer the category of personal information that the business

(1) collected about the consumer;

(2) sold or shared about the consumer and the categories of third parties to whom the business sold, or with whom the business shared, the personal information; the business shall make the disclosure by identifying the category of personal information under each category of third parties to whom the business sold, or with whom the business shared, the personal information; and

(3) disclosed about the consumer and the categories of persons to whom the business disclosed the personal information.

(b) Without receiving a verifiable consumer request, a business that sells or shares personal information about a consumer, or that discloses personal information about a consumer for a business purpose, shall, using separate lists for (1) and (2) of this subsection, disclose in its online privacy policy statement or, if the business does not maintain an online privacy policy statement, on its Internet website the category of consumers' personal information that most closely describes the personal information the business has

(1) sold or shared; if the business has not sold or shared consumers' personal information, the business shall disclose that fact; and

(2) disclosed for a business purpose; if the business has not disclosed consumers' personal information for a business purpose, the business shall disclose that fact.

(c) A business shall disclose the information under (b) of this section in a form that is reasonably accessible to consumers and shall update the information at least once every 12 months.

**Sec. 45.48.795. Additional disclosure provisions.** (a) In addition to any other requirement of AS 45.48.760 - 45.48.925, a business that is subject to AS 45.48.760 - 45.48.790 or 45.48.830 shall disclose in a form that is reasonably accessible to consumers the following information in its online privacy policy statement or, if the business does not have an online privacy policy statement, on its Internet website, and shall update the information at least once every 12 months:

(1) a description of a consumer's rights under AS 45.48.760 - 45.48.790 and 45.48.830, and a description of the financial incentives offered under AS 45.48.830(d) that apply to the business;

(2) except as provided in AS 45.48.810(a)(1), two or more designated methods for submitting a verifiable consumer request to the business; in this paragraph, "designated method" means a mailing address, electronic mail address, Internet website, Internet website portal, toll-free telephone number, or other contact information; and

(3) for a business to which AS 45.48.775(c) applies,

(A) a list of the categories of personal information about consumers the business has collected in the preceding 12 months by reference to the category in AS 45.48.840(a) that most closely describes the personal information collected;

(B) the categories of sources from which personal information about consumers is collected;

(C) the business purpose or commercial purpose for collecting, selling, or sharing personal information about consumers; and

(D) the categories of third parties to whom the business discloses personal information about consumers.

(b) A business that sells or shares personal information about consumers, or that uses or discloses sensitive personal information about consumers for a purpose other than the purposes authorized by AS 45.48.785(b) shall include in its online

1 privacy policy statement or, if the business does not have an online privacy policy  
2 statement, on its Internet website

3 (1) a description of a consumer's rights under AS 45.48.780 and  
4 45.48.785; and

5 (2) an electronic connection to a "Do Not Sell or Share My Personal  
6 Information" Internet page to direct a business not to sell or share a consumer's  
7 personal information under AS 45.48.780(a), an electronic connection to a "Limit the  
8 Use of My Sensitive Personal Information" Internet page to direct a business to limit  
9 the use or disclosure of a consumer's sensitive personal information under  
10 AS 45.48.785(a), a single electronic connection to both Internet pages, or a statement  
11 that the business responds to and abides by preference signals sent by a platform,  
12 technology, or mechanism established to direct the business not to sell or share  
13 personal information or to limit the use or disclosure of sensitive personal information.

14 **Sec. 45.48.800. Criteria for business to collect, use, retain, or share**  
15 **personal information.** A business may not collect, use, retain, or share personal  
16 information about a consumer unless

17 (1) the collection, use, retention, or sharing is reasonably necessary  
18 and proportionate for achieving the purposes disclosed under AS 45.48.760 for which  
19 the business collected or processed the personal information or for another purpose  
20 that is compatible with the context in which the business collected the personal  
21 information and that was disclosed by the business under AS 45.48.760; and

22 (2) the business does not further process the personal information in a  
23 manner that is incompatible with the purposes described in (1) of this section.

24 **Sec. 45.48.805. Required agreement.** (a) Before a business that collects  
25 personal information about a consumer sells the personal information to a third party,  
26 shares the personal information with a third party, or discloses the personal  
27 information to a service provider or contractor, the business shall enter into an  
28 agreement with the third party, service provider, or contractor that complies with (b)  
29 of this section.

30 (b) The agreement required by (a) of this section must

31 (1) provide that the business is selling, sharing, or disclosing a

1 consumer's personal information only for limited and specified business purposes;

2 (2) require the third party, service provider, or contractor to comply  
3 with the obligations that apply to the third party, service provider, or contractor under  
4 AS 45.48.760 - 45.48.925;

5 (3) allow the business to take reasonable and appropriate steps to  
6 ensure that the third party, service provider, or contractor uses the personal  
7 information in a manner consistent with the obligations of the business under  
8 AS 45.48.760 - 45.48.925;

9 (4) require the third party, service provider, or contractor to notify the  
10 business if the third party, service provider, or contractor determines that the third  
11 party, service provider, or contractor cannot meet the obligations of the third party,  
12 service provider, or contractor under AS 45.48.760 - 45.48.925; and

13 (5) allow the business, after giving notice to the third party, service  
14 provider, or contractor, or after receiving notice under (4) of this subsection, to take  
15 reasonable and appropriate steps to stop any unauthorized use of personal information.

16 (c) In addition to the requirements of (b) of this section, an agreement between  
17 a business and a service provider must

18 (1) prohibit a service provider from

19 (A) selling or sharing a consumer's personal information  
20 received from the business;

21 (B) retaining, using, or disclosing a consumer's personal  
22 information for a commercial or other purpose, other than the business  
23 purposes specified in the contract with the business, or as otherwise permitted  
24 by AS 45.48.760 - 45.48.895;

25 (C) retaining, using, or disclosing a consumer's personal  
26 information outside of the direct business relationship between the service  
27 provider and the business;

28 (D) combining a consumer's personal information that the  
29 service provider receives from, or on behalf of, the business with a consumer's  
30 personal information that the service provider receives from, or on behalf of,  
31 another person, or collects directly from a consumer; however, a service

1 provider may combine personal information to perform a business purpose,  
2 except as prohibited by AS 45.48.850(b)(6);

3 (2) permit the business to monitor the service provider's compliance  
4 with the contract through ongoing manual reviews, automated scans, regular  
5 assessments, audits, and other technical and operational testing at least once every 12  
6 months; and

7 (3) require the service provider to notify the business if the service  
8 provider is using another person to assist in processing the personal information or if  
9 the other person is using another person to assist in processing the personal  
10 information, and require the other person to comply with the agreement requirements  
11 under (b) of this section and with this subsection.

12 **Sec. 45.48.810. Rules for handling requests.** (a) A business shall, in a form  
13 that is reasonably accessible to consumers, make available to consumers two or more  
14 methods, including a toll-free telephone number, for submitting a request for deletion  
15 under AS 45.48.765, a request for correction under AS 45.48.770, or a request for  
16 disclosure under AS 45.48.775 or 45.48.790, except that a business that

17 (1) operates exclusively online and has a direct relationship with a  
18 consumer from whom it collects personal information is only required to provide the  
19 consumer with an electronic mail address for submitting a request;

20 (2) maintains an Internet website shall also make the Internet website  
21 available to consumers to submit a request.

22 (b) A business shall take a requested action within 45 days after receiving a  
23 verifiable consumer request from the consumer, but, if a business determines that an  
24 extension of time is reasonably necessary, and if the business provides the consumer  
25 with notice of an extension within the 45-day period after submission of the request,  
26 the business may extend the 45-day period one time for up to an additional 45 days.

27 (c) A business shall determine whether a request is a verifiable consumer  
28 request within 45 days after receiving the request. A business may require  
29 authentication of the consumer that is reasonable in light of the personal information  
30 requested, but may not require the consumer to create an account with the business to  
31 make a request. However, if a consumer has an account with the business, the business

1 may require the consumer to use that account to submit a request.

2 (d) For a disclosure request, the information required to be disclosed must  
3 cover the 12-month period preceding the date the business receives the disclosure  
4 request, except that if a consumer requests that the business disclose the required  
5 information for a period before that 12-month period, the business shall provide the  
6 information for that period, unless providing the information is impossible or involves  
7 disproportionate effort.

8 (e) A business shall make the requested disclosure action in writing and shall  
9 deliver the information in a format that is easily understandable to the average  
10 consumer and, to the extent technically feasible, in a structured, commonly used,  
11 machine-readable format that may also be used to transmit the information without  
12 difficulty.

13 (f) A business shall make a disclosure under this section

14 (1) through the consumer's account with the business, if the consumer  
15 maintains an account with the business; or

16 (2) by mail or electronic means, at the consumer's option, if the  
17 consumer does not maintain an account with the business.

18 (g) A business that receives a disclosure request shall disclose to the consumer  
19 the personal information the business has collected, directly or indirectly, about the  
20 consumer and may use a service provider or contractor to disclose the information.

21 (h) If a business does not take action on a request within the 45-day period  
22 under (b) of this section, the business shall notify the consumer, within that period, of  
23 the reasons for not taking action and any right the consumer may have to appeal the  
24 decision to the business.

25 (i) If a business receives a request that is manifestly unfounded or manifestly  
26 excessive, including the repetition of an earlier request, the business may charge a  
27 reasonable fee for the administrative costs of fulfilling the request or refuse to act on  
28 the request and inform the consumer of the reason for refusing to act on the request.  
29 The business has the burden of demonstrating that a verifiable consumer request is  
30 manifestly unfounded or manifestly excessive.

31 (j) A service provider or contractor is not required to comply with a request

received directly from a consumer or the consumer's authorized agent under AS 45.48.775 or 45.48.790 to the extent the service provider or contractor has collected personal information about the consumer as a service provider or contractor. A service provider or contractor shall assist a business with which it has an agreement under AS 45.48.805 in responding to a request made to the business. The assistance includes

(1) providing the business with the personal information about a consumer that the service provider or contractor obtained and retains as a result of providing services to the business;

(2) correcting inaccurate information or enabling the business to correct inaccurate information; and

(3) providing appropriate technical and organizational assistance.

(k) Nothing in this section requires a business to retain personal information about a consumer for any length of time.

(l) A business that receives a verifiable consumer request under AS 45.48.775 or 45.48.790 shall disclose to a consumer the personal information about the consumer the business has collected, directly or indirectly, including information the business has received through or from a service provider or contractor.

(m) A business is not required to make a disclosure to the same consumer more than twice in a 12-month period.

(n) Except as provided in (i) of this section, a business shall satisfy a disclosure request without charge to the consumer.

(o) A business shall ensure that each individual responsible for handling consumer inquiries or the business's compliance with AS 45.48.760 - 45.48.925 is informed of the requirements under this section and AS 45.48.765 - 45.48.775 and 45.48.790, and how to direct a consumer to exercise the consumer's rights under this section, AS 45.48.765 - 45.48.775, and 45.48.790.

(p) In this section,

(1) "disclosure" means the disclosure required under AS 45.48.775 or 45.48.790;

(2) "disclosure action" means a disclosure made under AS 45.48.775

1 or 45.48.790;

2 (3) "disclosure request" means a request for disclosure under  
3 AS 45.48.775 or 45.48.790;

4 (4) "request" means a request for deletion under AS 45.48.765,  
5 correction under AS 45.48.770, or disclosure under AS 45.48.775 or 45.48.790;

6 (5) "requested action" means deletion under AS 45.48.765, correction  
7 under AS 45.48.770, or disclosure under AS 45.48.775 or 45.48.790.

8 **Sec. 45.48.815. Exceptions to requests for deletion.** A business, or a service  
9 provider or contractor acting under an agreement with the business under  
10 AS 45.48.805, is not required to comply with a consumer's request to delete the  
11 consumer's personal information under AS 45.48.765 if it is reasonably necessary for  
12 the business, service provider, or contractor to maintain the consumer's personal  
13 information to

14 (1) complete the transaction for which the personal information was  
15 collected, fulfill the terms of a written warranty or product recall conducted under  
16 federal law, provide the goods or services requested by the consumer or reasonably  
17 expected by the consumer within the context of an ongoing business relationship with  
18 the consumer, or otherwise perform a contract between the business and the consumer;

19 (2) ensure the security and integrity of the personal information to the  
20 extent the use of the personal information is reasonably necessary and proportionate  
21 for this purpose;

22 (3) identify and repair existing errors that impair the intended  
23 functioning of the operations of the business, service provider, or contractor;

24 (4) exercise the right of free speech, ensure the right of another  
25 consumer to exercise the consumer's right of free speech, or exercise another right  
26 provided for by law;

27 (5) engage in public or peer-reviewed scientific, historical, or  
28 statistical research that conforms or adheres to all other applicable ethics and privacy  
29 laws, if deletion of the personal information is likely to render impossible or seriously  
30 impair the ability to complete the research and if the consumer provides informed  
31 consent for the research;



1 (6) enable uses that are solely internal, that are reasonably aligned with  
2 the expectations of the consumer based on the consumer's relationship with the  
3 business, and that are compatible with the context in which the consumer provided the  
4 personal information; or

5 (7) comply with a legal obligation.

6 **Sec. 45.48.820. Use of verification information.** If a business collects  
7 personal information from a consumer to verify the consumer's request under  
8 AS 45.48.760 - 45.48.925, the business may not further disclose the personal  
9 information to another person, retain the personal information for longer than is  
10 necessary to verify the consumer's request, or use the personal information for  
11 unrelated purposes.

12 **Sec. 45.48.825. Business procedures and practices regarding the sale and**  
13 **sharing of personal information and use and disclosure of sensitive personal**  
14 **information.** (a) A covered business shall, in a form that is reasonably accessible to  
15 consumers, provide a clear and conspicuous electronic connection on the Internet  
16 home page of the business to an Internet website that enables a consumer, or a person  
17 authorized by the consumer, to direct the business

18 (1) not to sell or share the consumer's personal information; the  
19 electronic connection must be labelled "Do Not Sell or Share My Personal  
20 Information"; and

21 (2) to limit the use or disclosure of the consumer's sensitive personal  
22 information to uses authorized by AS 45.48.785(b); the electronic connection must be  
23 labelled "Limit the Use of My Sensitive Personal Information."

24 (b) Instead of providing the electronic connections described in (a) of this  
25 section, a covered business may provide, on the Internet home page of the business, a  
26 single, clearly labeled electronic connection that allows a consumer to easily direct the  
27 covered business not to sell or share the consumer's personal information and to limit  
28 the use or disclosure of the consumer's sensitive personal information.

29 (c) If a covered business responds to a consumer direction received under (a)  
30 or (b) of this section by informing the consumer that there is a charge under  
31 AS 45.48.810(i), the business shall also present the terms of a financial incentive

1 offered by the business under AS 45.48.830(d) for the sale or sharing of the  
2 consumer's personal information.

3 (d) Instead of providing the electronic connections under (a) or (b) of this  
4 section, a covered business may allow a consumer to direct the business not to sell or  
5 share the consumer's personal information or to limit the use or disclosure of the  
6 consumer's sensitive personal information by using an electronic preference signal  
7 sent with the consumer's consent to the Internet website of the business, if

8 (1) the Internet website also allows the consumer or a person  
9 authorized by the consumer to revoke the consent as easily as the consent is provided;  
10 and

11 (2) the electronic preference signal does not degrade the consumer's  
12 experience on the Internet website the consumer intends to visit and has a similar  
13 appearance and size relative to other electronic connections on the same Internet  
14 website.

15 (e) A covered business may not require a consumer to create an account or  
16 provide additional information beyond what is necessary to direct the covered business  
17 not to sell or share the consumer's personal information or to limit the use or  
18 disclosure of the consumer's sensitive personal information.

19 (f) A covered business shall include a description of a consumer's rights under  
20 AS 45.48.780, 45.48.785, or both, as applicable, in its online privacy policy statement  
21 or, if the covered business does not have an online privacy policy statement, on its  
22 Internet website.

23 (g) A covered business shall wait at least 12 months after a consumer directs  
24 the covered business not to sell or share the consumer's personal information or to  
25 limit the use and disclosure of the consumer's sensitive personal information, or both,  
26 to ask the consumer to authorize the covered business to sell or share the consumer's  
27 personal information or to use or disclose the consumer's sensitive personal  
28 information for an additional purpose.

29 (h) Except as provided by this section, a covered business may not use the  
30 personal information collected from a consumer in connection with the consumer's  
31 submission of a direction not to sell or share the consumer's personal information or to

1 limit the use or disclosure of the consumer's sensitive personal information for a  
2 purpose other than to implement the consumer's direction.

3 (i) A covered business does not have to include the electronic connections and  
4 text required by this section on the Internet home page that the covered business  
5 makes available to the public generally, if the covered business maintains a separate  
6 and additional Internet home page that is dedicated to consumers in the state and that  
7 includes the electronic connections and text required under (a) of this section, and if  
8 the covered business takes reasonable steps to ensure that consumers in the state are  
9 directed to the Internet home page for consumers in the state and not the Internet home  
10 page made available to the public generally.

11 (j) If a covered business communicates a consumer's direction not to sell or  
12 share the consumer's personal information under AS 45.48.780 to a person authorized  
13 by the covered business to collect personal information, the person may use the  
14 consumer's personal information only for a business purpose specified by the business  
15 or as otherwise permitted by AS 45.48.760 - 45.48.925, and may not

16 (1) sell or share the personal information;

17 (2) retain, use, or disclose the personal information

18 (A) for a purpose other than providing the services to the  
19 covered business;

20 (B) outside of the direct business relationship between the  
21 person and the covered business; or

22 (C) for a commercial purpose other than providing the services  
23 to the covered business.

24 (k) A covered business that communicates a consumer's direction under (a) or  
25 (b) of this section to a person is not liable under AS 45.48.760 - 45.48.925 if the  
26 person receiving the consumer's direction violates the restrictions set out in  
27 AS 45.48.760 - 45.48.925 and the covered business, when communicating the  
28 consumer's direction, does not have actual knowledge or reason to believe that the  
29 person intends to commit the violation. A contract provision that waives or limits this  
30 subsection is void and unenforceable.

31 (l) In this section, "covered business" means a business that

- 1 (1) sells or shares personal information about a consumer; or  
2 (2) uses or discloses sensitive personal information about a consumer  
3 for purposes other than those authorized by AS 45.48.785(b).

4 **Sec. 45.48.830. Retaliation; incentives.** (a) A business may not retaliate  
5 against a consumer for exercising the consumer's rights under AS 45.48.760 -  
6 45.48.925. In this subsection, "retaliate" includes

- 7 (1) denying goods or services to the consumer;  
8 (2) charging different prices or rates for goods or services, including  
9 through the use of discounts or other benefits or by imposing penalties;  
10 (3) providing a different level or quality of goods or services to the  
11 consumer; or  
12 (4) suggesting that the consumer will receive a different price or rate  
13 for goods or services or a different level or quality of goods or services.

14 (b) A business may not retaliate against an employee, applicant for  
15 employment, or independent contractor for exercising the rights of a consumer under  
16 AS 45.48.760 - 45.48.925.

17 (c) Nothing in (a) or (b) of this section prohibits a business from charging a  
18 consumer a different price or rate, or from providing a different level or quality of  
19 goods or services to the consumer, if the difference is reasonably related to the value  
20 provided to the business by the consumer's data. This subsection does not prohibit a  
21 business from offering loyalty, rewards, premium features, discounts, or loyalty card  
22 programs that do not violate AS 45.48.760 - 45.48.925.

23 (d) A business may offer a financial incentive, including a payment, to a  
24 consumer as compensation for the collection of personal information, the sale or  
25 sharing of personal information, or the retention of personal information.

26 (e) A business may not enter a consumer into a financial incentive program  
27 under (d) of this section unless, before entering the consumer into the financial  
28 incentive program, the consumer gives the business consent that clearly describes the  
29 material terms of the financial incentive program. A consumer may revoke the consent  
30 at any time. If a consumer refuses to provide consent, the business shall wait at least  
31 12 months after the refusal before next requesting that the consumer provide consent.

1 (f) A business may not use financial incentive practices that are unjust,  
2 unreasonable, coercive, or usurious in nature.

3 (g) A business shall ensure that each individual responsible for handling  
4 consumer inquiries about the business's compliance with AS 45.48.760 - 45.48.925 is  
5 informed of the requirements of this section and how to direct a consumer to exercise  
6 the consumer's rights under this section.

7 **Sec. 45.48.835. Businesses covered.** (a) A person is considered a business that  
8 must comply with AS 45.48.760 - 45.48.925 if

9 (1) the person

10 (A) is organized or operated for the profit or financial benefit  
11 of its shareholders or other owners;

12 (B) collects personal information about consumers or receives  
13 personal information about consumers that is collected on the person's behalf;

14 (C) determines by itself, or jointly with other persons, the  
15 purposes and means of processing of personal information about consumers;

16 (D) conducts its affairs in the state; and

17 (E) satisfies one of the following:

18 (i) as of January 1 of the applicable calendar year, had  
19 annual gross revenue in excess of \$25,000,000 in the preceding  
20 calendar year;

21 (ii) by itself, or jointly with other persons, annually  
22 buys, sells, or shares the personal information of 100,000 or more  
23 consumers or households;

24 (iii) derives 50 percent or more of its annual revenue  
25 from selling or sharing personal information about consumers;

26 (2) the person controls or is controlled by, has common branding with,  
27 and receives consumers' personal information from a person described in (1) of this  
28 subsection; in this paragraph,

29 (A) "common branding" means a shared name, service mark, or  
30 trademark that the average consumer would understand to indicate that two or  
31 more persons are commonly owned;

(B) "control" means ownership of, or the power to vote, more than 50 percent of the outstanding shares or other ownership interests of a class of voting securities of a business, the power over the election of a majority of directors of a business or individuals exercising similar functions as directors, or the power to influence the management of a business; or

(3) the person is a joint venture or partnership that consists of persons identified in (1) or (2) of this subsection and in which each of the persons has at least a 40 percent interest in the joint venture or partnership.

(b) In AS 45.48.760 - 45.48.925, a joint venture or partnership under (a)(3) of this section and each business that makes up the joint venture or partnership are considered to be a single business. However, a business that is part of the joint venture may not share with another business that is part of the joint venture the personal information in the possession of the business and disclosed to the joint venture or partnership.

**Sec. 45.48.840. Personal and sensitive information covered.** (a) In AS 45.48.760 - 45.48.925, personal information includes the items in the following categories if the item identifies, relates to, describes, is reasonably capable of being associated with, or is reasonably capable of being connected with, directly or indirectly, a particular consumer or household:

(1) name, alias, postal address, unique personal identifier, online identifier address, Internet protocol address, electronic mail address, account name, or another similar identifier;

(2) signature;

(3) physical characteristic or physical description;

(4) telephone number;

(5) insurance policy number;

(6) education, employment, professional employment, employment history, or other information related to employment;

(7) bank account number or other financial information;

(8) medical or health insurance information;

(9) characteristics of classifications protected under federal law or the

1 law of this state;

2 (10) record of personal property, products, or services purchased,  
3 obtained, or considered, other purchasing or consuming history or tendency, or other  
4 commercial information;

5 (11) biometric information;

6 (12) Internet browsing history, Internet search history, information  
7 regarding a consumer's interaction with an Internet website, application, or  
8 advertisement, or other Internet or electronic network activity information;

9 (13) geolocation data;

10 (14) audio, electronic, visual, thermal, olfactory, or similar  
11 information;

12 (15) information that is personally identifiable information under 34  
13 C.F.R. 99.3;

14 (16) inferences drawn from the information identified in this  
15 subsection to create a profile about a consumer reflecting the consumer's preferences,  
16 characteristics, psychological trends, predispositions, behavior, attitudes, intelligence,  
17 abilities, or aptitudes; and

18 (17) sensitive personal information.

19 (b) Notwithstanding (a) of this section, information is not personal  
20 information if the information is

21 (1) publicly available information or lawfully obtained truthful  
22 information that is a matter of public concern;

23 (2) information that is de-identified or aggregate consumer  
24 information.

25 (c) Under AS 45.48.760 - 45.48.925, information is considered to be sensitive  
26 personal information if the information is not publicly available information and

27 (1) reveals

28 (A) a consumer's social security number, driver's license  
29 number, state identification card number, or passport number;

30 (B) the number of a consumer's Internet account, financial  
31 account, debit card account, credit card account, or other account, in

1 combination with any required security or access code, password, or  
2 credentials allowing access to the account;

3 (C) a consumer's precise geolocation;

4 (D) a consumer's racial or ethnic origin, religious or  
5 philosophical beliefs, or union membership;

6 (E) the contents of a consumer's mail or electronic mail, text  
7 message, or other electronic communication, unless the business possessing the  
8 information is the intended recipient of the communication; or

9 (F) a consumer's genetic data;

10 (2) includes biometric information that is processed or otherwise used  
11 to identify a consumer;

12 (3) includes information collected and analyzed concerning a  
13 consumer's health; or

14 (4) includes information collected and analyzed about a consumer's  
15 sexual life or sexual orientation.

16 (d) When AS 45.48.760 - 45.48.925 require a category of sensitive personal  
17 information to be disclosed, the category shall be described using the specific terms  
18 set out in (c) of this section.

19 **Sec. 45.48.845. Contractors covered.** (a) A person is considered a contractor  
20 that must comply with AS 45.48.760 - 45.48.925 if a business makes available to the  
21 person a consumer's personal information for a business purpose under a written  
22 contract with the business that satisfies (b) of this section.

23 (b) A contract under (a) of this section must

24 (1) prohibit the contractor from

25 (A) selling or sharing personal information the contractor  
26 receives from the business;

27 (B) retaining, using, or disclosing personal information the  
28 contractor receives from the business for a purpose other than a purpose  
29 specified in the contract;

30 (C) retaining, using, or disclosing personal information in a  
31 way or for a purpose that is not covered by the direct relationship with the



1 business;

2 (D) combining personal information that the contractor  
3 receives under the contract with the business with personal information that the  
4 contractor receives from or on behalf of another person or collects directly  
5 from the consumer;

6 (2) include an agreement by the contractor that the contractor  
7 understands and will comply with the restrictions in (1) of this subsection; and

8 (3) permit, subject to agreement with the contractor, the business to  
9 monitor the contractor's compliance with the contract, including through reviews by  
10 individuals, automated scans, regular assessments, audits, or other technical and  
11 operational testing, at least once every 12 months.

12 (c) If a contractor uses another person to assist in processing personal  
13 information for a business purpose on behalf of the business, or if the other person  
14 uses another person to assist in processing personal information for the business  
15 purpose, the contractor shall notify the business that the contractor or other person is  
16 being used for the processing, the contractor shall use a written contract for the  
17 services of the person, and the written contract must require the other person to  
18 observe all the requirements set out in (b) of this section.

19 (d) A contractor is not required to

20 (1) re-identify or otherwise connect information that, in the ordinary  
21 course of business, the contractor would not maintain in a manner that would be  
22 considered personal information;

23 (2) retain personal information about a consumer if, in the ordinary  
24 course of business, the contractor would not retain the information;

25 (3) maintain, collect, obtain, retain, or access data or technology in a  
26 form that is capable of connecting or associating a verifiable consumer request with  
27 personal information about a consumer.

28 **Sec. 45.48.850. Covered business purposes.** (a) In AS 45.48.760 - 45.48.925,  
29 a purpose is considered to be a business purpose if

30 (1) a business uses a consumer's personal information for the  
31 operational purposes of the business or for other purposes of which the consumer has

1        been notified or a service provider or contractor uses the personal information for the  
2        operational purposes of the service provider or contractor; and

3                (2) the use of the personal information under (1) of this subsection is  
4        reasonably necessary and proportionate to achieve the operational purpose for which  
5        the personal information was collected or processed or for another purpose that is  
6        compatible with the context in which the personal information was collected.

7                (b) A business purpose includes

8                (1) auditing related to counting the advertisement impressions of a  
9        consumer, verifying positioning and quality of advertisement impressions, and  
10       auditing compliance with this paragraph and other provisions of AS 45.48.760 -  
11       45.48.925; in this paragraph, "advertisement impression" means a digital  
12       advertisement display on a consumer's electronic screen;

13               (2) ensuring security and integrity of personal information about a  
14       consumer to the extent the use of the consumer's personal information is reasonably  
15       necessary and proportionate for this purpose;

16               (3) identifying and removing computer errors that impair existing  
17       intended operations;

18               (4) nonpersonalized advertising shown as part of a consumer's current  
19       interaction with the business and other short-term, transient use, if the consumer's  
20       personal information is not disclosed to a third party and is not used to build a profile  
21       about the consumer or otherwise alter the consumer's experience outside the current  
22       interaction with the business; in this paragraph, "nonpersonalized advertising" means  
23       advertising that is based solely on personal information about a consumer derived  
24       from the consumer's current interaction with the business, except for the consumer's  
25       precise geolocation;

26               (5) maintaining or servicing accounts, providing customer service,  
27       processing or fulfilling orders and transactions, verifying customer information,  
28       processing payments, providing financing, providing analytical services, or providing  
29       similar services on behalf of the business;

30               (6) providing advertising and marketing services, other than cross-  
31       context behavioral advertising, to a consumer, except that, for the purpose of

advertising and marketing, a service provider or contractor may not combine personal information about a consumer that the service provider or contractor receives from, or on behalf of, the business with personal information that the service provider or contractor receives from, or on behalf of, another person, or collects directly from the consumer, if the consumer has directed the business under AS 45.48.780 not to sell to or share the consumer's personal information; in this paragraph, "advertising and marketing" means a communication by a business or a person acting on behalf of the business in a medium intended to induce a consumer to obtain goods, services, or employment;

(7) undertaking internal research for technological development and demonstration; and

(8) undertaking activities to verify or maintain the quality or safety of or to improve, upgrade, or enhance a service or device that is owned by, manufactured by or for, or controlled by the business.

**Sec. 45.48.855. Characterization of personal information sharing.** (a) Except as provided in (b) of this section, a business shares personal information under AS 45.48.760 - 45.48.925 when the business rents, releases, discloses, disseminates, makes available, transfers, or otherwise communicates orally, in writing, or by electronic or other means a consumer's personal information to a third party for cross-context behavioral advertising, whether for money or other valuable consideration.

(b) A business does not share a consumer's personal information under (a) of this section if

(1) a consumer uses or directs the business to intentionally disclose personal information or intentionally interact with a third party;

(2) the consumer has directed the business not to share or sell the consumer's personal information under AS 45.48.780 or to limit the use of the consumer's sensitive personal information under AS 45.48.785 and the business uses or rents, releases, discloses, disseminates, makes available, transfers, or otherwise communicates an identifier for a consumer to alert a person that the consumer has directed the business not to sell or share the consumer's personal information or to limit the use of the consumer's sensitive personal information;

(3) the business transfers to a third party the personal information as an asset that is part of a merger, acquisition, bankruptcy, or other transaction in which the third party assumes control of all or part of the business, if the business and the third party use or share the personal information as required by AS 45.48.760 - 45.48.925.

(c) In (b)(3) of this section, if a third party will materially alter how it uses or shares the personal information about a consumer in a manner that is materially inconsistent with the disclosures made under AS 45.48.775 at the time the personal information was collected, the third party shall provide a prominent notice of the new or changed practice to the consumer before sharing or using the information. Nothing in this subsection authorizes a business to make material, retroactive privacy policy changes or other changes in its privacy policy in a manner that would violate AS 45.50.471 - 45.50.561 (Alaska Unfair Trade Practices and Consumer Protection Act).

**Sec. 45.48.860. Requirements for consent.** (a) Except as otherwise provided for a minor's consent to selling or sharing personal information under AS 45.48.780(c), a consumer may consent under AS 45.48.760 - 45.48.925 if the consumer is 16 years of age or older or the consumer's parent, the consumer's legal guardian, a person holding the consumer's power of attorney, or a person acting as a conservator for the consumer communicates the consumer's consent. The consent must be a specific, informed, and unambiguous agreement to the processing of personal information relating to the consumer, and the purpose of processing the personal information must be narrowly defined.

(b) Notwithstanding the other provisions of AS 45.48.760 - 45.48.925, a person does not consent under AS 45.48.760 - 45.48.925 if the person

(1) accepts a document that consists of general or broad terms for the use or processing of personal information or other unrelated information;

(2) hovers over, mutes, pauses, or closes a given piece of content on a computer or other electronic device;

(3) enters into an agreement obtained through the use of a computer interface designed or manipulated to subvert or impair the autonomy, decision making, or choice of a computer; in this paragraph, "computer interface" means a boundary

1 shared by two or more separate parts of a computer system over which the  
2 components exchange information.

3 **Sec. 45.48.865. Covered sales.** (a) In AS 45.48.760 - 45.48.925, "sell,"  
4 "selling," "sale," or "sold" refers to the activity of a business when the business trades,  
5 rents, releases, discloses, disseminates, makes available, transfers, or otherwise  
6 communicates orally, in writing, electronically, or by other means, a consumer's  
7 personal information to a third party for monetary or other valuable consideration.

8 (b) Notwithstanding (a) of this section, a business does not sell a consumer's  
9 personal information if

10 (1) the consumer uses or directs a business to intentionally disclose  
11 personal information or intentionally interact with a third party that does not sell the  
12 personal information under (a) of this section except as consistent with AS 45.48.810 -  
13 45.48.890; in this paragraph, "intentionally" means intending to interact by one or  
14 more deliberate interactions, but does not mean hovering over, muting, pausing, or  
15 closing a given piece of content;

16 (2) the consumer has directed the business not to sell or share the  
17 consumer's personal information under AS 45.48.780 or has limited the use of the  
18 consumer's sensitive personal information under AS 45.48.785, and the business uses  
19 or shares an identifier for a consumer to alert a person that the consumer has directed  
20 the business not to sell or share the consumer's personal information or to limit the use  
21 of the consumer's sensitive personal information; or

22 (3) the business transfers to a third party the personal information  
23 about a consumer as an asset that is part of a merger, acquisition, bankruptcy, or other  
24 transaction in which the third party assumes control of all or part of the business, and  
25 the third party uses or shares the information in accordance with AS 45.48.760 -  
26 45.48.925; if the third party materially alters how it uses or shares the personal  
27 information about a consumer in a manner that is materially inconsistent with the  
28 disclosures made by the business under AS 45.48.775 at the time the personal  
29 information was collected, the third party shall provide notice of the new or changed  
30 practice to the consumer before using or sharing the personal information; the notice  
31 must be sufficiently prominent and clear to ensure that the consumer can easily

1 exercise the consumer's choices under AS 45.48.760 - 45.48.925; nothing in this  
 2 paragraph authorizes a business to make material retroactive privacy policy changes or  
 3 other changes in its privacy policy in a manner that would violate AS 45.50.471 -  
 4 45.50.561 (Alaska Unfair Trade Practices and Consumer Protection Act).

5 **Sec. 45.48.870. De-identification of personal information.** (a) In  
 6 AS 45.48.760 - 45.48.925, personal information is de-identified if a person cannot  
 7 reasonably use the de-identified personal information to infer personal information  
 8 about, or otherwise be connected to, a particular consumer, and if the business that  
 9 possesses the de-identified personal information

10 (1) takes reasonable measures to ensure the de-identified personal  
 11 information cannot be associated with a consumer or household;

12 (2) publicly agrees to maintain and use the de-identified personal  
 13 information in de-identified form and not to attempt to re-identify the de-identified  
 14 personal information, except that the business may attempt to re-identify the de-  
 15 identified personal information solely for the purpose of determining whether its  
 16 processes satisfy the requirements of this subsection; and

17 (3) contractually obligates recipients of the de-identified personal  
 18 information to comply with the provisions of this subsection.

19 (b) A contract for the sale or license of de-identified personal information  
 20 must include the following provisions or substantially similar provisions:

21 (1) a statement that the de-identified personal information includes de-  
 22 identified consumer information;

23 (2) a statement that the purchaser or licensee may not re-identify or  
 24 attempt to re-identify the de-identified personal information; and

25 (3) a requirement that, unless otherwise allowed by law, the purchaser  
 26 or licensee of the de-identified personal information may not disclose the de-identified  
 27 personal information to a third party unless the third party is contractually bound by  
 28 the same or stricter restrictions and conditions.

29 **Sec. 45.48.875. Re-identification of personal information.** (a) Except as  
 30 otherwise provided in AS 45.48.760 - 45.48.925 or (b) of this section, a business or  
 31 other person may not re-identify, or attempt to re-identify, personal information that is

1 de-identified personal information.

2 (b) A business or other person may re-identify or attempt to re-identify de-  
3 identified personal information

4 (1) for the treatment, payment, or health care operations conducted by  
5 a covered entity or business associate acting on behalf of, and at the written direction  
6 of, the covered entity; in this paragraph, "business associate" and "covered entity"  
7 have the meanings given in 45 C.F.R. 160.103, and "health care operations,"  
8 "payment," and "treatment" have the meanings given in 45 C.F.R. 164.501;

9 (2) for a public health activity or purpose described in 45 C.F.R.  
10 164.512;

11 (3) for research, as defined in 45 C.F.R. 164.501, that is conducted in  
12 accordance with 45 C.F.R. Part 46 (Protection of Human Subjects);

13 (4) under a contract where the lawful holder of de-identified  
14 information expressly engages a person to attempt to re-identify the de-identified  
15 information to conduct testing, analysis, or validation of de-identification, or related  
16 statistical techniques, if the contract prohibits any other use or disclosure of the re-  
17 identified information and requires the return or destruction of the personal  
18 information that was re-identified upon completion of the contract; in this paragraph,  
19 "de-identified information" means information that is de-identified in accordance with  
20 the requirements for de-identification set out in 45 C.F.R. 164.514, or is derived from  
21 patient information that was originally collected, created, transmitted, or maintained  
22 by a person regulated by the Health Insurance Portability and Accountability Act of  
23 1996 (P.L. 104-191) or 45 C.F.R. Part 46 (Protection of Human Subjects); or

24 (5) if required by another provision of federal or state law.

25 (c) Information re-identified under this section is subject to applicable data  
26 privacy and security laws of the federal government and the state, including the Health  
27 Insurance Portability and Accountability Act of 1996 (P.L. 104-191) and  
28 AS 45.48.760 - 45.48.925.

29 **Sec. 45.48.880. Use of personal information for research.** A business,  
30 contractor, or service provider may not conduct research with personal information  
31 that has been collected from a consumer in the course of the consumer's interactions

1 with a business for purposes other than research, unless the research

2 (1) is compatible with the business purpose for which the personal  
3 information was collected;

4 (2) is later pseudonymized and de-identified, or de-identified and in  
5 the aggregate, so that the information cannot reasonably identify, relate to, describe,  
6 be capable of being associated with, or be connected to, directly or indirectly, a  
7 particular consumer; in this paragraph, "pseudonymized" means the processing of  
8 information in a manner that prevents the personal information from being attributable  
9 to an identified or identifiable consumer without the use of additional information, in  
10 which the additional information is kept separate from the personal information and  
11 the personal information and the additional information are subject to technical and  
12 organizational measures to ensure that the personal information is not attributed to an  
13 identified or identifiable consumer;

14 (3) is subject to technical safeguards that prohibit re-identification of  
15 the consumer to whom the information may relate;

16 (4) is subject to processes that specifically prohibit re-identification of  
17 the information;

18 (5) is subject to business processes to prevent inadvertent release of  
19 de-identified information;

20 (6) is protected from re-identification attempts;

21 (7) is used only for research purposes that are compatible with the  
22 context in which the personal information was collected;

23 (8) is not used for a commercial purpose; and

24 (9) is subject to additional security controls that limit access to the  
25 research data to only those individuals in a business that are necessary to carry out the  
26 research.

27 **Sec. 45.48.885. Liability of businesses, service providers, and contractors.**

28 (a) A business that discloses personal information to a service provider or contractor in  
29 compliance with AS 45.48.760 - 45.48.925 is not liable under AS 45.48.760 -  
30 45.48.925 if the service provider or contractor uses the personal information in  
31 violation of the restrictions set out in AS 45.48.760 - 45.48.925, if, when disclosing



1 the personal information, the business does not have actual knowledge, or reason to  
2 believe, that the service provider or contractor intends to commit a violation. The  
3 exemption from liability under this section does not apply to the disclosure of the  
4 personal information about a consumer who

5 (1) has directed the business not to sell or share the consumer's  
6 personal information under AS 45.48.780;

7 (2) has limited the use or disclosure of the consumer's sensitive  
8 personal information under AS 45.48.785; or

9 (3) is under 16 years of age and has not consented to the sale or  
10 sharing of the consumer's personal information to a third party.

11 (b) A service provider or contractor is not liable under AS 45.48.760 -  
12 45.48.925 for the obligations of a business for which it provides services under  
13 AS 45.48.760 - 45.48.925, except that the service provider or contractor is liable for its  
14 own violations of AS 45.48.760 - 45.48.925.

15 (c) If a consumer's personal information, while not encrypted and not  
16 redacted, or a consumer's electronic mail address in combination with a password or  
17 security question and answer that would permit access to the account is accessed by or  
18 disclosed to an unauthorized person because of a business's failure to implement and  
19 maintain reasonable security procedures and practices appropriate to protect the  
20 personal information, the consumer may institute a civil action against the business. In  
21 the civil action, a court may

22 (1) award damages in an amount not less than \$100 and not greater  
23 than \$750 for each failure, or actual damages, whichever amount is greater;

24 (2) issue an order for injunctive or declaratory relief;

25 (3) order other relief the court determines to be appropriate.

26 (d) When assessing the amount of damages under (c) of this section, the court  
27 shall consider the nature and seriousness of the failure, the number of occurrences, the  
28 persistence of the failure, the length of time over which the failure occurred, the  
29 business's intent, the defendant's assets, liabilities, and net worth, and any other factor  
30 that the court determines to be relevant.

31 (e) At least 30 days before bringing an action under (c) of this section, a

1 consumer shall give the business written notice identifying the specific failures of the  
 2 business. If, within the 30-day period, the business cures the noticed failures and  
 3 provides the consumer an express written statement that the failures have been cured  
 4 and that the business will not engage in further failures, the consumer may not bring  
 5 the action. If a business continues to engage in failures that breach the express written  
 6 statement provided to the consumer under this subsection, the consumer may initiate a  
 7 civil action against the business under (c) of this section to enforce the written  
 8 statement.

9 (f) The cause of action established by (c) of this section applies only to  
 10 violations under (c) of this section and may not be based on violations of any other  
 11 section of AS 45.48.760 - 45.48.925.

12 (g) This section does not create a private right of action under another law and  
 13 does not relieve a party from a duty or obligation imposed under another federal, state,  
 14 or municipal law.

15 **Sec. 45.48.890. Effect on other persons.** (a) A verifiable consumer request to  
 16 delete a consumer's personal information under AS 45.48.765, to correct inaccurate  
 17 personal information under AS 45.48.770, or to obtain specific pieces of personal  
 18 information under AS 45.48.775 does not extend to personal information about the  
 19 consumer that belongs to, or that the business maintains on behalf of, another natural  
 20 person.

21 (b) A business may rely on representations made in a verifiable consumer  
 22 request with respect to rights to personal information and is not required to search for  
 23 other persons that may have or claim to have a right to the personal information. A  
 24 business is not required to take any action under AS 45.48.760 - 45.48.925 if there is a  
 25 dispute between or among persons claiming the right to personal information in the  
 26 possession of the business.

27 **Sec. 45.48.895. Civil penalties.** (a) A business, service provider, contractor, or  
 28 other person that knowingly violates AS 45.48.760 - 45.48.925 is liable to the state for  
 29 a civil penalty not to exceed \$2,500 for each violation.

30 (b) A business, service provider, contractor, or other person is liable to the  
 31 state for a civil penalty not to exceed \$7,500 for each violation if the business, service

1 provider, contractor, or other person intentionally violates AS 45.48.760 - 45.48.925  
 2 and the violation involves personal information about a consumer who the business,  
 3 service provider, contractor, or other person has actual knowledge is under 16 years of  
 4 age.

5 **Sec. 45.48.900. Exemptions.** (a) The obligations imposed on a business,  
 6 service provider, contractor, or third party by AS 45.48.760 - 45.48.925 do not apply  
 7 to prevent a business, service provider, contractor, or third party from

8 (1) complying with federal, state, or local law;

9 (2) complying with a court order or subpoena to provide information;

10 (3) complying with a civil, criminal, or regulatory inquiry,  
 11 investigation, or summons of a federal, state, or municipal authority;

12 (4) cooperating with law enforcement agencies concerning conduct or  
 13 activity that the business, service provider, contractor, or third party reasonably and in  
 14 good faith believes may violate federal, state, or local law;

15 (5) cooperating with a federal, state, or municipal agency request for  
 16 emergency access to a consumer's personal information if a natural person is at risk or  
 17 in danger of death or serious physical injury and

18 (A) the agency's supervisor approves the request;

19 (B) the request is based on the agency's good faith  
 20 determination that the agency has a lawful basis to access the information on a  
 21 nonemergency basis; or

22 (C) the agency agrees to petition a court for an appropriate  
 23 order within three days after receiving the request and to destroy the  
 24 information if the order is not granted;

25 (6) exercising or defending a legal claim;

26 (7) collecting, using, retaining, selling, sharing, or disclosing personal  
 27 information about a consumer if the personal information is de-identified or aggregate  
 28 consumer information;

29 (8) collecting, selling, or sharing a consumer's personal information if  
 30 every aspect of the commercial conduct takes place outside the state; in this paragraph,  
 31 commercial conduct takes place outside the state if

1 (A) the business collects the information while the consumer is  
2 outside the state;

3 (B) no part of the sale of the consumer's personal information  
4 occurs in the state; and

5 (C) the business does not sell any part of the personal  
6 information collected in the state.

7 (b) Notwithstanding (a)(8) of this section, a business may store, including on a  
8 device, personal information about a consumer when the consumer is present in the  
9 state and collect that personal information when the consumer is outside the state.

10 (c) The obligations imposed on a business by AS 45.48.775 - 45.48.795 and  
11 45.48.825 do not apply when compliance would

12 (1) violate an evidentiary privilege; or

13 (2) prevent a business from providing the personal information about a  
14 consumer to a person covered by an evidentiary privilege as part of a privileged  
15 communication.

16 (d) AS 45.48.760 - 45.48.925 do not apply to

17 (1) protected health information that is collected by a covered entity or  
18 business associate governed by 45 C.F.R. Parts 160 and 164; in this paragraph,  
19 "business associate" has the meaning given in 45 C.F.R. 160.103;

20 (2) a covered entity governed by 45 C.F.R. Parts 160 and 164 to the  
21 extent the covered entity maintains patient information in the same manner as  
22 protected health information under (1) of this subsection;

23 (3) unless the personal information is re-identified when permitted by  
24 AS 45.48.875, personal information that is

25 (A) de-identified in accordance with the requirements for de-  
26 identification set out in 45 C.F.R. 164.514; or

27 (B) derived from patient information that was originally  
28 collected, created, transmitted, or maintained by a person regulated by the  
29 Health Insurance Portability and Accountability Act of 1996 (P.L. 104-191) or  
30 45 C.F.R. Part 46 (Protection of Human Subjects);

31 (4) information that is collected, used, or disclosed in research,

1 including a clinical trial, and conducted in accordance with 45 C.F.R. Part 46  
 2 (Protection of Human Subjects), or the clinical guidelines issued by the International  
 3 Council for Harmonisation of Technical Requirements for Pharmaceuticals for Human  
 4 Use;

5 (5) an activity involving the collection, maintenance, disclosure, sale,  
 6 communication, or use of personal information that affects a consumer's credit  
 7 worthiness, credit standing, credit capacity, character, general reputation, personal  
 8 characteristics, or mode of living, if the activity is performed by a consumer reporting  
 9 agency, by a furnisher of information who provides information for use in a consumer  
 10 report as provided in 15 U.S.C. 1681s-2 (Fair Credit Reporting Act), or by a user of a  
 11 consumer report under 15 U.S.C. 1681b (Fair Credit Reporting Act); this paragraph  
 12 applies only to the extent the activity is subject to regulation under 15 U.S.C. 1681a -  
 13 1681x (Fair Credit Reporting Act) and the information is collected, maintained, used,  
 14 communicated, disclosed, or sold as authorized by 15 U.S.C. 1681a - 1681x (Fair  
 15 Credit Reporting Act); the exemption created by this paragraph does not apply to  
 16 AS 45.48.885(c) - (e); in this paragraph,

17 (A) "consumer report" has the meaning given in 15 U.S.C.  
 18 1681a (Fair Credit Reporting Act);

19 (B) "consumer reporting agency" has the meaning given in 15  
 20 U.S.C. 1681a (Fair Credit Reporting Act);

21 (6) personal information collected, processed, sold, or disclosed under  
 22 15 U.S.C. 6801 - 6827 (Gramm-Leach-Bliley Financial Modernization Act of 1999),  
 23 or 12 U.S.C. 2001 - 2279cc (Farm Credit Act of 1971), except that the exemption  
 24 created by this paragraph does not apply to AS 45.48.885(c) - (e);

25 (7) personal information collected, processed, sold, or disclosed under  
 26 18 U.S.C. 2721 - 2725 (Driver's Privacy Protection Act of 1994), except that the  
 27 exemption created by this paragraph does not apply to AS 45.48.885(c) - (e).

28 (e) AS 45.48.785 does not apply to vehicle information or vehicle ownership  
 29 information retained or shared by a new motor vehicle dealer or the motor vehicle's  
 30 manufacturer if

31 (1) the motor vehicle or ownership information is shared to carry out,

1 or in anticipation of carrying out, a motor vehicle repair covered by a vehicle warranty  
 2 or a recall conducted under 49 U.S.C. 30118 - 30120; and

3 (2) the new motor vehicle dealer or motor vehicle manufacturer with  
 4 which the vehicle information or ownership information is shared does not sell, share,  
 5 or use that information for another purpose.

6 (f) AS 45.48.765 and 45.48.780 do not apply to

7 (1) a commercial credit reporting agency's collection, processing, sale,  
 8 or disclosure of business controller information to the extent the commercial credit  
 9 reporting agency uses the business controller information only to identify the  
 10 relationship of a consumer to a business that the consumer owns or to contact the  
 11 consumer in the consumer's role as the owner, director, officer, or management  
 12 employee of the business; in this paragraph, "owner" means a natural person who

13 (A) owns, or has the power to vote, more than 50 percent of the  
 14 outstanding shares of a class of voting security of a business;

15 (B) has control in any manner over the election of a majority of  
 16 the directors or of individuals exercising similar functions as directors; or

17 (C) has the power to exercise a controlling influence over the  
 18 management of a business;

19 (2) the use, disclosure, or sale by a business of a particular piece of a  
 20 consumer's personal information if the consumer has consented to the use, disclosure,  
 21 or sale by the business of that particular piece of information to produce a physical  
 22 item, including a school yearbook containing the consumer's photograph, and if

23 (A) the business has incurred significant expense in reliance on  
 24 the consumer's consent;

25 (B) compliance with the consumer's request to delete the  
 26 consumer's personal information under AS 45.48.765 or to prevent the sale of  
 27 the consumer's personal information under AS 45.48.780 would not be  
 28 commercially reasonable; and

29 (C) the business complies with the consumer's request as soon  
 30 as it is commercially reasonable to comply.

31 (g) The obligations imposed on businesses under AS 45.48.765 - 45.48.775

1 and 45.48.790 do not apply to household data.

2 (h) AS 45.48.760 - 45.48.925 do not require a business

3 (1) to comply with a verifiable consumer request to delete a  
4 consumer's personal information under AS 45.48.765 to the extent the verifiable  
5 consumer request applies to a student's grades, educational scores, or educational test  
6 results that the business holds on behalf of an educational facility at which the student  
7 is currently enrolled; if, under this paragraph, a business does not comply with a  
8 request, the business shall notify the consumer that the business is acting under this  
9 paragraph;

10 (2) to disclose, in response to a request made under AS 45.48.775, a  
11 consumer's educational standardized assessment, a consumer's educational assessment,  
12 or a consumer's specific responses to the educational standardized assessment or  
13 educational assessment, if consumer access, possession, or control would jeopardize  
14 the validity and reliability of the educational standardized assessment or educational  
15 assessment by providing an advantage to the consumer who submitted a verifiable  
16 consumer request or to another natural person; if, under this paragraph, a business  
17 does not comply with a request, the business shall notify the consumer that the  
18 business is acting under this paragraph; in this paragraph, "educational standardized  
19 assessment" or "educational assessment" means

20 (A) a standardized or nonstandardized quiz, test, or other  
21 assessment used to evaluate students in or for entry into kindergarten, grades  
22 one to 12, schools, postsecondary institutions, vocational programs, or  
23 postgraduate programs that are accredited by an accrediting agency or  
24 organization recognized by the state or the United States Department of  
25 Education; and

26 (B) license examinations used to determine the competency and  
27 eligibility of an individual to receive certification or licensure from a  
28 government agency or government certification body.

29 (i) In this section, unless the context indicates otherwise,

30 (1) "business controller information" means the name, business title,  
31 and other contact information for the owner, director, officer, or management

1 employee of a business;

2 (2) "commercial credit report"

3 (A) means a report that is provided to a commercial person for  
4 a business purpose and that relates to the financial status or payment habits of a  
5 commercial person that is the subject of the report;

6 (B) does not mean a report that is prepared for commercial  
7 insurance underwriting, claims, or auditing purposes, a report containing  
8 information related to transactions or experiences between the subject and the  
9 person making the report, an authorization or approval of a specific extension  
10 of credit directly or indirectly by the issuer of a credit card or similar device, or  
11 a report in which a person who has been requested by a third party to make a  
12 specific extension of credit directly or indirectly to the third party conveys the  
13 person's decision with respect to the request;

14 (3) "commercial credit reporting agency" means a person who, for a  
15 monetary fee, or on a cooperative nonprofit basis, provides commercial credit reports  
16 to third parties;

17 (4) "covered entity" has the meaning given in 45 CFR 160.103;

18 (5) "director" means a natural person who

19 (A) is designated in the articles of incorporation of a business  
20 as a director;

21 (B) is elected a director by the incorporators of a business;

22 (C) is designated, elected, or appointed under any other name  
23 or title to act as a director; or

24 (D) succeeds a person described in (A) - (C) of this paragraph  
25 in the person's position;

26 (6) "identifiable private information" has the meaning given in 45  
27 C.F.R. 46.102;

28 (7) "individually identifiable health information" has the meaning  
29 given in 45 C.F.R. 160.103;

30 (8) "individually identifiable information" means information that  
31 includes or contains



(A) an element of an individual's name, address, electronic mail address, telephone number, social security number, or other personal identifying information sufficient to allow identification of the individual; or

(B) other information that alone or in combination with other publicly available information reveals the individual's identity;

(9) "management employee" means a natural person whose name and contact information is reported to or collected by a commercial credit reporting agency as the primary manager of a business and used solely within the context of the person's role as the primary manager of the business;

(10) "manufacturer" has the meaning given in AS 45.25.990;

(11) "medical information" means individually identifiable information in electronic or physical form in possession of or derived from a provider of health care, health care service plan, pharmaceutical company, or contractor regarding a patient's medical history, mental or physical condition, or treatment;

(12) "new motor vehicle dealer" has the meaning given in AS 45.25.990;

(13) "officer" means a chief executive officer, president, secretary, treasurer, or other natural person elected or appointed by the board of directors of a business to manage the daily operations of the business;

(14) "ownership information" means the name of the registered owner and the contact information for the owner;

(15) "patient information" means identifiable private information, protected health information, individually identifiable health information, or medical information;

(16) "protected health information" has the meaning given in 45 CFR 160.103;

(17) "provider of health care" means an individual licensed, certified, or otherwise authorized or permitted by law to provide health care in the ordinary course of business or the practice of a profession;

(18) "vehicle information" means the vehicle identification number, make, model, year, or odometer reading.

1           **Sec. 45.48.905. Waivers; limitations of application.** A provision of a class  
 2 action waiver or other type of agreement that appears or claims to waive or limit in  
 3 any way the provisions of AS 45.48.760 - 45.48.925, including a remedy or a means  
 4 of enforcement, is contrary to public policy, void, and unenforceable. This section  
 5 does not prevent a consumer from declining to request information from a business,  
 6 declining to prevent a business from selling the consumer's personal information, or  
 7 authorizing a business to sell or share the consumer's personal information after  
 8 previously directing the business not to sell or share the consumer's personal  
 9 information. In this section, "class action waiver" means a court action in which a  
 10 party to the action is a group of people who are represented collectively by a member  
 11 of that group.

12           **Sec. 45.48.910. Construction; general provisions.** (a) If a provision of  
 13 AS 45.48.760 - 45.48.925 is preempted by or conflicts with federal law, the provision  
 14 does not apply to the extent of the preemption or conflict.

15           (b) If a conflict occurs between another state law and AS 45.48.760 -  
 16 45.48.925, the provisions of the law that afford the greatest protection for the right of  
 17 privacy of consumers control.

18           (c) AS 45.48.760 - 45.48.925 supersede and preempt the regulations, codes,  
 19 ordinances, and other laws adopted by a municipality regarding the collection and sale  
 20 by a business of personal information about a consumer.

21           (d) AS 45.48.760 - 45.48.925 shall be liberally construed to carry out the  
 22 purpose of AS 45.48.760 - 45.48.925.

23           (e) AS 45.48.760 - 45.48.925 may not be construed to require a business,  
 24 service provider, or contractor to

25                   (1) re-identify or otherwise connect information that, in the ordinary  
 26 course of business, is not maintained in a manner that would be considered personal  
 27 information;

28                   (2) retain personal information about a consumer if, in the ordinary  
 29 course of business, the information would not be retained;

30                   (3) maintain information in identifiable, electronically connectible, or  
 31 associable form, or collect, obtain, retain, or access data or technology to be capable of

1 connecting or associating a verifiable consumer request with personal information  
2 about a consumer.

3 (f) If more than one requirement of AS 45.48.760 - 45.48.925 affects a  
4 business, service provider, or contractor, the business, service provider, or contractor  
5 shall comply with all of the requirements, unless a provision of AS 45.48.760 -  
6 45.48.925 provides otherwise.

7 (g) Nothing in AS 45.48.760 - 45.48.925 requires a business to disclose a  
8 trade secret.

9 **Sec. 45.48.915. Regulations.** The Department of Commerce, Community, and  
10 Economic Development may adopt regulations under AS 44.62 (Administrative  
11 Procedure Act) to implement AS 45.48.760 - 45.48.925.

12 **Sec. 45.48.920. Definitions.** In AS 45.48.760 - 45.48.925, unless the context  
13 indicates otherwise,

14 (1) "aggregate consumer information"

15 (A) means information that relates to a group or category of  
16 consumers from which individual consumer identities have been removed and  
17 that is not electronically connected or reasonably connected, including  
18 connection by a device, to a consumer or household;

19 (B) does not mean individual consumer records that have been  
20 de-identified;

21 (2) "application" means, when applied to the Internet, a computer  
22 program that uses Internet technology to perform tasks over the Internet;

23 (3) "beacon" means an image that is placed on an Internet website used  
24 to monitor the behavior of a consumer visiting the website;

25 (4) "biometric information" means

26 (A) information that relates to an individual's deoxyribonucleic  
27 acid;

28 (B) iris imagery, retinal imagery, fingerprints, facial  
29 recognition, hand geometry, palm vein patterns, voice recognition, keystroke  
30 patterns, keystroke rhythms, gait patterns, gait rhythms, sleep data, health data,  
31 and exercise data; and

(C) other physiological, biological, and behavioral characteristics that are used or intended to be used, singly or in combination with each other or with other identifying data, to establish individual identity;

(5) "business" means a person identified in AS 45.48.835;

(6) "business purpose" means a purpose identified in AS 45.48.850;

(7) "category of personal information" means a category of personal information identified in AS 45.48.840(a);

(8) "category of sensitive personal information" means a category of sensitive personal information identified in AS 45.48.840(c);

(9) "collect," "collected," or "collection" means receiving information, either actively or passively, observing behavior, or otherwise buying, renting, gathering, obtaining, receiving, or accessing personal information about a consumer;

(10) "commercial purpose" means

(A) inducing a person to buy, rent, lease, subscribe to, provide, or exchange personal property, real property, information, or services, or join a program;

(B) enabling or effecting, directly or indirectly, a commercial transaction, or otherwise advancing an economic interest;

(11) "computer network" means an interconnection, including by microwave or other means of electronic or optical communication, of two or more computer systems, or between computers and remote terminals;

(12) "consent" means the consent described in AS 45.48.860;

(13) "conservator" has the meaning given in AS 13.06.050;

(14) "consumer" means a natural person who is a resident of the state, whether the natural person is identified by a unique personal identifier or by another method;

(15) "contractor" means a person that meets the requirements of AS 45.48.845;

(16) "cookie" means a file with data that is used to identify a consumer as the consumer uses a computer;

(17) "cross-context behavioral advertising" means the targeting of

1 advertising to a consumer based on the consumer's personal information obtained from  
 2 the consumer's activity across businesses, distinctly branded Internet websites,  
 3 applications, or services, other than a business, distinctly branded Internet website,  
 4 application, or service with which the consumer intentionally interacts;

5 (18) "de-identified information" means personal information that is de-  
 6 identified under AS 45.48.870(a);

7 (19) "device" means a physical object that is capable of connecting to  
 8 the Internet, directly or indirectly, or connecting to another physical object that is  
 9 capable of connecting directly or indirectly to the Internet;

10 (20) "family" means a custodial parent or guardian and children under  
 11 18 years of age over whom the parent or guardian has custody;

12 (21) "home page" means

13 (A) the introductory page of an Internet website; or

14 (B) in the case of a telephone application or other online  
 15 service that uses Internet technology to perform tasks over the Internet,

16 (i) the application's platform page or page that is  
 17 downloaded;

18 (ii) an electronic connection within or from the  
 19 configuration;

20 (iii) an electronic connection labelled "About" or  
 21 "Information";

22 (iv) a settings page; or

23 (v) another location that allows a consumer to review  
 24 before or after downloading the service;

25 (22) "household" means a group, however identified, of consumers  
 26 who live with one another at the same residential address and share the use of devices  
 27 or services;

28 (23) "infer" or "inference" means to derive information, data,  
 29 assumptions, or conclusions from facts, evidence, or another source of information or  
 30 data;

31 (24) "intentionally" has the meaning given in AS 11.81.900;

1 (25) "intentionally interacts"

2 (A) means deliberately interacting with a person or deliberately  
3 disclosing personal information to a person by visiting the person's Internet  
4 website, purchasing a good or service from the person, or using another  
5 method;

6 (B) does not mean hovering over, muting, pausing, or closing a  
7 given piece of content;

8 (26) "Internet protocol address" means a numerical label assigned to a  
9 device connected to a computer network that uses the Internet protocol for  
10 communication;

11 (27) "knowingly" has the meaning given in AS 11.81.900;

12 (28) "person" means an individual, proprietorship, firm, partnership,  
13 joint venture, syndicate, business trust, company, corporation, limited liability  
14 company, association, committee, organization, or group of persons acting together;

15 (29) "personal information" means the information described in  
16 AS 45.48.840(a), except as provided in AS 45.48.840(b);

17 (30) "pixel tag" means a short code on a consumer's Internet website;

18 (31) "platform" means an arrangement of computer components that  
19 uses a particular operating system;

20 (32) "precise geolocation" means data derived from a device and used  
21 or intended to be used to locate a consumer within a geographic area that is equal to or  
22 less than the area of a circle with a radius of 1,850 feet;

23 (33) "probabilistic identifier" means the identification of a consumer or  
24 a consumer's device to a degree of certainty of more probable than not based on a  
25 category of personal information included in, or similar to, the categories identified in  
26 AS 45.48.840(a) and (c);

27 (34) "process" means an operation performed on personal data,  
28 whether by automated or other means;

29 (35) "publicly available information"

30 (A) means information that

31 (i) is lawfully made available from federal, state, or

1 local government records;

2 (ii) a business has reasonable cause to believe is  
3 lawfully made available to the general public by the consumer or from  
4 widely distributed media; or

5 (iii) a consumer makes available by a person to whom  
6 the consumer has disclosed the information if the consumer has not  
7 restricted the information to a specific audience;

8 (B) does not mean biometric information collected by a  
9 business about a consumer without the consumer's knowledge;

10 (36) "re-identify" means the process of reversing de-identification,  
11 including by adding specific pieces of information or data elements that can,  
12 individually or in combination, be used to identify a particular individual, or by using  
13 a statistical method, contrivance, computer software, or other method that has the  
14 effect of associating de-identified personal information with a particular individual;

15 (37) "research" means basic research, applied research, studies  
16 conducted in the public interest in the area of public health, and other scientific  
17 analysis, systematic study, and systematic observation that is designed to develop or  
18 contribute to public or scientific knowledge and that adheres or otherwise conforms to  
19 all applicable laws on ethics and privacy;

20 (38) "security and integrity" means the ability of

21 (A) networks or information systems to detect security  
22 incidents that compromise the availability, authenticity, integrity, or  
23 confidentiality of stored or transmitted personal information;

24 (B) businesses to detect security breaches or other incidents, to  
25 resist malicious, deceptive, fraudulent, and other illegal actions, and to help  
26 prosecute persons responsible for those actions;

27 (39) "sensitive personal information" means the information described  
28 in AS 45.48.840(c);

29 (40) "service" means work, labor, or an activity furnished in  
30 connection with the sale or repair of goods and products;

31 (41) "service provider" means a person that receives from or on behalf

1 of a business personal information about a consumer for a business purpose and that  
2 processes the personal information on behalf of the business;

3 (42) "share," "shared," or "sharing" has the meaning described in  
4 AS 45.48.855;

5 (43) "third party" means a person that is not

6 (A) a business with whom a consumer intentionally interacts  
7 and that collects personal information from the consumer as part of the  
8 consumer's current interaction with the business;

9 (B) a service provider; or

10 (C) a contractor;

11 (44) "unique personal identifier" means a device identifier, Internet  
12 protocol address, cookie, beacon, pixel tag, mobile advertisement identifier, customer  
13 number, unique pseudonym, user alias, telephone number, or other form of persistent  
14 or probabilistic identifier that can be used to recognize a consumer or family, or a  
15 device that is connected to a consumer or family;

16 (45) "verifiable consumer request" means a request that

17 (A) is made by a consumer who is 18 years of age or older, by  
18 a consumer on behalf of the consumer's child who is under 18 years of age, by  
19 a natural person authorized by a consumer who is 18 years of age or older to  
20 act on the consumer's behalf, by a person who holds a power of attorney for a  
21 consumer, or by a person who is acting as a conservator for a consumer; and

22 (B) a business can reasonably verify as being made by a person  
23 described in (A) of this paragraph.

24 **Sec. 45.48.925. Short title.** AS 45.48.760 - 45.48.925 may be cited as the  
25 Alaska Consumer Information Protection Act.

26 \* **Sec. 6.** AS 45.48.990 is amended to read:

27 **Sec. 45.48.990. Definitions.** In AS 45.48.010 - 45.48.750 and 45.48.990 -  
28 45.48.995 [THIS CHAPTER], unless the context indicates otherwise,

29 (1) "consumer" means an individual;

30 (2) "consumer credit reporting agency" means a person who, for  
31 monetary fees, dues, or on a cooperative nonprofit basis, regularly engages, in whole



or in part, in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing credit reports to third parties;

(3) "credit report" means a consumer report that a consumer credit reporting agency furnishes to a person that the consumer credit reporting agency has reason to believe intends to use the consumer report as a factor in establishing the consumer's eligibility for credit to be used primarily for personal, family, or household purposes; in this paragraph, "consumer report" has the meaning given to "consumer report" in 15 U.S.C. 1681a(d) (Fair Credit Reporting Act), except that "consumer reporting agency" in 15 U.S.C. 1681a(d) is to be read as "consumer credit reporting agency";

(4) "Fair Credit Reporting Act" means 15 U.S.C. 1681 - 1681x;

(5) "Gramm-Leach-Bliley Financial Modernization Act" means 15 U.S.C. 6801 - 6827;

(6) "identity theft" means the theft of the identity of an individual;

(7) "information system" means any information system, including a system consisting of digital databases and a system consisting of pieces of paper;

(8) "person" has the meaning given in AS 01.10.060 and includes a state or local governmental agency, except for an agency of the judicial branch;

(9) "state resident" means an individual who satisfies the residency requirements under AS 01.10.055.

\* **Sec. 7.** AS 45.48.995 is amended to read:

**Sec. 45.48.995. Short title.** AS 45.48.010 - 45.48.750 and 45.48.990 - 45.48.995 [THIS CHAPTER] may be cited as the Alaska Personal Information Protection Act.

\* **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY: DISCLOSURE PERIOD. Notwithstanding AS 45.48.795(a)(3), added by sec. 5 of this Act, the 12-month period of personal information that a business is required to disclose to a consumer under AS 45.48.795(a)(3), added by sec. 5 of this Act, does not cover personal information that the business collected about the consumer before the

1 effective date of this Act. In this section, "business," "collected," "consumer," and "personal  
2 information" have the meanings given in AS 45.48.920, added by sec. 5 of this Act.

3 \* **Sec. 9.** The uncoded law of the State of Alaska is amended by adding a new section to  
4 read:

5 **APPLICABILITY: CONTRACTS.** This Act applies to a contract entered into on or  
6 after the effective date of this Act.

7 \* **Sec. 10.** This Act takes effect January 1, 2023.